

DEPOSITION OF WENDELL DEAN VAN METER

December 8, 2006

Pages 1 through 103

**CONDENSED TRANSCRIPT AND CONCORDANCE
PREPARED BY:**

Haislip, Ragan, Green, Starkie & Watson, P.C.

566 South Perry Street

Post Office Box 62

Montgomery, AL 36104

Phone: (334) 263-4455

Fax: (334) 263-9167

E-mail: haislipragan@charter.net



Deposition of Wendell Dean Van Meter

December 8, 2006

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| <p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE MIDDLE DISTRICT OF ALABAMA</p> <p>3 EASTERN DIVISION</p> <p>4</p> <p>5 WENDELL DEAN VAN METER,</p> <p>6 NEVA JANE VAN METER,</p> <p>7</p> <p>8 Plaintiffs,</p> <p>9</p> <p>10 Vs. CIVIL ACTION NO.</p> <p>11 3:06-CV-583-DRB</p> <p>12 THE CITY OF LANETT,</p> <p>13 etc., et al.,</p> <p>14 Defendants.</p> <p>15 *****</p> <p>16 DEPOSITION OF WENDELL DEAN VAN METER,</p> <p>17 taken pursuant to stipulation and agreement before</p> <p>18 Lisa J. Nix, Registered Professional Reporter and</p> <p>19 Commissioner for the State of Alabama at Large, in</p> <p>20 the Law Offices of James Ingram and William Harris,</p> <p>21 2005 South Broad Avenue, Lanett, Alabama on Friday,</p> <p>22 December 8, 2006, commencing at approximately</p> <p>23 8:50 a.m. CST.</p> <p>*****</p> | <p>1 EXHIBIT INDEX</p> <p>2 MAR</p> <p>3 DEFENDANT'S EXHIBIT</p> <p>4 1 12/7/05 notice of appeal to Joel Holley 36</p> <p>5 from Wendell Dean Van Meter</p> <p>6 2 12/7/05 Decision Upon Disciplinary/Due 37</p> <p>7 Process Hearing</p> <p>8 3 12/2/05 letter to Lt. Dean VanMeter from 43</p> <p>9 Joel Holley re: Disciplinary</p> <p>10 Action/Police Chief R. Docimo's</p> <p>11 Recommendation</p> <p>12 4 Minutes of council meeting held 50</p> <p>13 12/19/05; Minutes of council meeting</p> <p>14 held 12/14/05</p> <p>15 *****</p> <p>16 STIPULATION</p> <p>17 It is hereby stipulated and agreed by and</p> <p>18 between counsel representing the parties that the</p> <p>19 deposition of WENDELL DEAN VAN METER is taken</p> <p>20 pursuant to the Federal Rules of Civil Procedure</p> <p>21 and that said deposition may be taken before Lisa</p> <p>22 J. Nix, Registered Professional Reporter and</p> <p>23</p> |
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| <p>1 APPEARANCES</p> <p>2</p> <p>3 FOR THE PLAINTIFF:</p> <p>4 Mr. James Ingram</p> <p>5 Mr. William Harris</p> <p>6 Attorneys at Law</p> <p>7 2005 South Broad Avenue</p> <p>8 Post Office Box 1175</p> <p>9 Lanett, AL 36863</p> <p>10</p> <p>11 FOR THE DEFENDANT:</p> <p>12 Mr. T. Randall Lyons</p> <p>13 WEBSTER, HENRY, LYONS & WHITE</p> <p>14 Attorneys at Law</p> <p>15 418 Scott Street</p> <p>16 Montgomery, Alabama</p> <p>17 *****</p> <p>18 EXAMINATION INDEX</p> <p>19 WENDELL DEAN VAN METER</p> <p>20 BY MR. LYONS 5</p> <p>21 BY MR. INGRAM 81</p> <p>22 BY MR. LYONS 92</p> <p>23 BY MR. INGRAM 99</p> <p>BY MR. LYONS 101</p> | <p>1 Commissioner for the State of Alabama at Large,</p> <p>2 without the formality of a commission, that</p> <p>3 objections to questions other than objections as to</p> <p>4 the form of the question need not be made at this</p> <p>5 time but may be reserved for a ruling at such time</p> <p>6 as the said deposition may be offered in evidence</p> <p>7 or used for any other purpose by either party</p> <p>8 provided for by the Statute.</p> <p>9 It is further stipulated and agreed by and</p> <p>10 between counsel representing the parties in this</p> <p>11 case that the filing of said deposition is hereby</p> <p>12 waived and may be introduced at the trial of this</p> <p>13 case or used in any other manner by either party</p> <p>14 hereto provided for by the Statute regardless of</p> <p>15 the waiving of the filing of the same.</p> <p>16 It is further stipulated and agreed by and</p> <p>17 between the parties hereto and the witness that the</p> <p>18 signature of the witness to this deposition is</p> <p>19 hereby waived.</p> <p>20 *****</p> <p>21</p> <p>22</p> <p>23</p> |

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| <p>1 WENDELL DEAN VAN METER</p> <p>2 The witness, after having first been duly</p> <p>3 sworn to speak the truth, the whole truth and</p> <p>4 nothing but the truth testified as follows:</p> <p>5 EXAMINATION</p> <p>6 BY MR. LYONS:</p> <p>7 Q. Could I get you to state your full name for</p> <p>8 the record, please, sir.</p> <p>9 A. Wendell Dean Van Meter.</p> <p>10 Q. My name is Randy Lyons, and I represent the</p> <p>11 City of Lanett in a lawsuit that you and</p> <p>12 your wife have filed.</p> <p>13 I'm here to take your deposition. I'm</p> <p>14 going to ask you a series of questions.</p> <p>15 And when I'm asking you these questions, if</p> <p>16 I ask you anything you don't understand,</p> <p>17 please stop me and tell me and I'll</p> <p>18 rephrase it or re-ask it to where you and</p> <p>19 I understand each other. Okay?</p> <p>20 A. Yes, sir.</p> <p>21 Q. And if you answer my question, I'm going to</p> <p>22 assume you understood it.</p> <p>23 A. Yes, sir.</p> | <p>1 Q. Were you injured in an automobile accident</p> <p>2 or --</p> <p>3 A. No, sir, just the vehicle and damages.</p> <p>4 Q. Any other case you've ever been a plaintiff</p> <p>5 in other than that one and this one?</p> <p>6 A. No, sir.</p> <p>7 Q. So you just sued over property damage?</p> <p>8 A. Yes, sir.</p> <p>9 Q. I'm going to ask you a series of questions</p> <p>10 I ask everybody, and I don't mean to offend</p> <p>11 you if I ask -- by these questions.</p> <p>12 One of them is, have you ever been</p> <p>13 arrested for anything?</p> <p>14 A. No, sir.</p> <p>15 Q. I didn't think so.</p> <p>16 A. Well, I've been arrested, but not</p> <p>17 convicted.</p> <p>18 Q. Okay. What were you arrested for?</p> <p>19 A. Verbal harassment.</p> <p>20 Q. But you were not convicted of that?</p> <p>21 A. No, sir.</p> <p>22 Q. And you've never been convicted of any</p> <p>23 crime?</p> |
| Page 6 | Page 8 |
| <p>1 Q. Have you given a deposition before today?</p> <p>2 A. Yes, sir. Not on this case.</p> <p>3 Q. No. I mean, in other matters.</p> <p>4 A. Yes, sir.</p> <p>5 Q. How many different depositions do you think</p> <p>6 you've given?</p> <p>7 A. Lord, I don't -- I can't remember. 27</p> <p>8 years, I don't ...</p> <p>9 Q. All of them having to do with being a law</p> <p>10 enforcement officer?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Okay. Have you ever been sued in your</p> <p>13 individual capacity or all as just a police</p> <p>14 officer?</p> <p>15 A. As a police officer.</p> <p>16 Q. Okay. So you, yourself, personally have</p> <p>17 never been sued by anyone?</p> <p>18 A. No, sir.</p> <p>19 Q. Have you ever sued anyone else other than</p> <p>20 this lawsuit that we're here about?</p> <p>21 A. Yes, sir.</p> <p>22 Q. What other kind of lawsuit have you had?</p> <p>23 A. Over a wrecked vehicle.</p> | <p>1 A. No, sir. A speeding ticket.</p> <p>2 Q. Well, I meant other -- I should have</p> <p>3 clarified it that way, but other than a</p> <p>4 speeding ticket.</p> <p>5 A. No, sir.</p> <p>6 Q. Have you ever filed for disability?</p> <p>7 A. No, sir.</p> <p>8 Q. Have you ever filed bankruptcy?</p> <p>9 A. No, sir.</p> <p>10 Q. Ever been injured on the job?</p> <p>11 A. Yes, sir.</p> <p>12 Q. How were you injured on the job?</p> <p>13 A. Let's see. The first time I got my nose</p> <p>14 broke in a fight with the City. Well, I</p> <p>15 wasn't fighting with the City. I was</p> <p>16 representing the City.</p> <p>17 Q. You were a police officer for the City?</p> <p>18 A. Right. Correct.</p> <p>19 Q. All right. Broken nose. What else? How</p> <p>20 else have you been injured on the job?</p> <p>21 A. Cracked ribs.</p> <p>22 Q. Okay.</p> <p>23 A. Strained back.</p> |

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| <p>1 Q. All right.</p> <p>2 A. I think that's about it.</p> <p>3 MR. HARRIS: Did you get hurt when</p> <p>4 you were in the wreck with the</p> <p>5 cow?</p> <p>6 THE WITNESS: No, sir.</p> <p>7 Q. What's your present address, please, sir?</p> <p>8 A. 1735 35th Avenue Southwest, Lanett, Alabama</p> <p>9 36863.</p> <p>10 Q. How long have you lived at that address?</p> <p>11 A. 32 years.</p> <p>12 Q. Who lives there with you, please, sir?</p> <p>13 A. My wife and my granddaughter.</p> <p>14 Q. And what's your wife's name?</p> <p>15 A. Neva Jane Van Meter.</p> <p>16 Q. And how long have y'all been married?</p> <p>17 A. 32 years.</p> <p>18 Q. What's your date of birth?</p> <p>19 A. March 10th, 1956.</p> <p>20 Q. Your social security number?</p> <p>21 A. 424-68-9148.</p> <p>22 Q. Do you have an Alabama driver's license?</p> <p>23 A. Yes, sir.</p> | <p>1 borrow a truck for undercover details and</p> <p>2 stuff like that.</p> <p>3 Q. Okay. What's your educational background?</p> <p>4 A. High school.</p> <p>5 Q. What year did you graduate?</p> <p>6 A. '73.</p> <p>7 Q. Any military?</p> <p>8 A. No, sir.</p> <p>9 Q. No education after high school?</p> <p>10 A. Not other than schools the City sent me to.</p> <p>11 Q. Police school, police academy, things like</p> <p>12 that?</p> <p>13 A. Police academy, some things like that.</p> <p>14 Q. And you told me earlier before we started</p> <p>15 the deposition, but you worked for the City</p> <p>16 of Lanett for 27 years?</p> <p>17 A. I started in 1978. I left in '80. Went to</p> <p>18 work with the sheriff's department until</p> <p>19 '82. Come back to the City.</p> <p>20 '85, I went to Diversified Products in</p> <p>21 Opelika. '88, I come back to the City.</p> <p>22 Been there ever since.</p> <p>23 Q. Let me make sure I got it right. 1978, you</p> |
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| <p>1 Q. What's its number?</p> <p>2 A. I haven't a clue.</p> <p>3 Q. Do you have it with you?</p> <p>4 A. Yes, sir.</p> <p>5 Q. 3944129, and --</p> <p>6 A. Commercial.</p> <p>7 Q. You have a commercial license?</p> <p>8 A. Yes, sir.</p> <p>9 Q. I see it at the top. Okay.</p> <p>10 What kind of commercial vehicles are</p> <p>11 you licensed to drive?</p> <p>12 A. Everything but double and triple trailers</p> <p>13 and HAZMAT.</p> <p>14 Q. How long have you had a CDL?</p> <p>15 A. Ten or 12 years.</p> <p>16 Q. And you have a restriction for corrective</p> <p>17 lenses?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Has your license ever been suspended or</p> <p>20 revoked for anything?</p> <p>21 A. No, sir.</p> <p>22 Q. Have you ever driven over-the-road trucks?</p> <p>23 A. On drug details, yes, sir. I mean, I</p> | <p>1 started with the City of Lanett with the</p> <p>2 police department?</p> <p>3 A. Yes, sir.</p> <p>4 Q. And were you just --</p> <p>5 A. Patrolman.</p> <p>6 Q. Patrolman. Okay. And then you were there</p> <p>7 until 1980?</p> <p>8 A. Yes, sir.</p> <p>9 Q. And in '80 to '82, you left and went to the</p> <p>10 sheriff's department to be a deputy?</p> <p>11 A. Chambers County. (Nods head up and down.)</p> <p>12 Q. Okay. And then you left there in 1982, and</p> <p>13 you worked until '85 at Diversified</p> <p>14 Products?</p> <p>15 A. No, sir.</p> <p>16 Q. Oh, I'm sorry.</p> <p>17 A. I come back to Lanett.</p> <p>18 Q. Came back to Lanett?</p> <p>19 A. Yes, sir.</p> <p>20 Q. I knew I would get that wrong. All</p> <p>21 right. To be a patrolman again?</p> <p>22 A. Well, I handled a K-9 unit and I worked</p> <p>23 investigation.</p> |

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| <p>1 Q. And you were there from '82 to '85, and</p> <p>2 then you went to DP?</p> <p>3 A. Correct.</p> <p>4 Q. How long were you at Diversified Products?</p> <p>5 A. About three years, two and a half, three</p> <p>6 years. I come back to the City in '88.</p> <p>7 Q. And from 1988 until your termination, you</p> <p>8 were with the City of Lanett?</p> <p>9 A. Correct.</p> <p>10 Q. And your position when you left the City</p> <p>11 was lieutenant?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Is that the highest rank you had ever</p> <p>14 achieved with the City?</p> <p>15 A. Yes, sir.</p> <p>16 Q. While you were employed with the City of</p> <p>17 Lanett, were you ever -- did you ever</p> <p>18 receive any disciplinary action?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Can you remember what those were for?</p> <p>21 A. Let's see. Under Jones, when Jones was</p> <p>22 chief, I let Mr. Lanier's daughter out of</p> <p>23 jail. She was 18 years old, charged with a</p> | <p>1 A. Dorman retired in '80. Jimmy Smith come in</p> <p>2 in '84.</p> <p>3 Q. Okay. And I remember Jimmy Jones, but I</p> <p>4 just didn't ...</p> <p>5 A. Let's see. I've been through seven chiefs</p> <p>6 and eight mayors.</p> <p>7 Q. Well, what we are here about today is your</p> <p>8 lawsuit about your termination from the</p> <p>9 City of Lanett, and I understand that stems</p> <p>10 from you having possession of some</p> <p>11 personnel files; is that correct?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Okay. Tell me how it was that you came to</p> <p>14 be in possession of these personnel files.</p> <p>15 A. I was on duty. I rode through the parking</p> <p>16 lot of the city hall complex. Fire</p> <p>17 department personnel were throwing files --</p> <p>18 pulling files from -- I call it a Banker</p> <p>19 Box and throwing them in 55-gallon drums.</p> <p>20 They were looking at them, going</p> <p>21 through them, and I asked them what they</p> <p>22 was doing. They told me they was throwing</p> <p>23 away old files. They was cleaning out an</p> |
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| <p>1 DUI. I let them bond her out instead of</p> <p>2 making her stay the mandatory hours.</p> <p>3 Q. Okay. And what was the discipline for</p> <p>4 that?</p> <p>5 A. Eight days without pay.</p> <p>6 Q. Okay. What else?</p> <p>7 A. Let's see. Jimmy Smith was chief. I</p> <p>8 wrecked the patrol car.</p> <p>9 Q. What was the discipline for that?</p> <p>10 A. Two days without pay and walk a foot beat</p> <p>11 for 30 days.</p> <p>12 Q. Okay.</p> <p>13 A. That's when I got a DUI on a foot beat.</p> <p>14 Q. You arrested somebody for DUI on a foot</p> <p>15 beat?</p> <p>16 A. (Witness nods head up and down.)</p> <p>17 Q. All right. What else? What other</p> <p>18 disciplinary action have you had?</p> <p>19 A. That's about all I can think of offhand.</p> <p>20 I'm sure there's some more in there,</p> <p>21 but ...</p> <p>22 Q. Okay. Jimmy Smith, when was he chief? Do</p> <p>23 you remember?</p> | <p>1 office for somebody that got promoted, city</p> <p>2 hall.</p> <p>3 So I said, well, I wonder if my old</p> <p>4 file is in there. They said they didn't</p> <p>5 know. I climbed up there and started</p> <p>6 looking through them. And then one of the</p> <p>7 firemen come up -- fire personnel come up</p> <p>8 and said, Dean, I think we done throwed</p> <p>9 your old one away.</p> <p>10 See, I was looking for my old one from</p> <p>11 '78 where Pete McCoy swore me in, the</p> <p>12 original -- where he swore me in</p> <p>13 originally.</p> <p>14 Well, then I saw some old friends'</p> <p>15 files and I said, well, I wonder if they</p> <p>16 would like to have some keepsake. They're</p> <p>17 throwing them away. I'll get them. So I</p> <p>18 got several files, put them in my truck.</p> <p>19 The firemen was looking at them.</p> <p>20 The little Mitchum girl ...</p> <p>21 MR. INGRAM: Tessa</p> <p>22 A. Tessa. There was an elderly gentleman that</p> <p>23 had been missing for several years. She</p> |

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| <p>1 saw his file, O. D. Gore. I never knew</p> <p>2 O. D. Gore worked for the City of Lanett.</p> <p>3 She said he worked for the street</p> <p>4 department.</p> <p>5 Anyway, I got several of the old</p> <p>6 friends' files and I put them in my truck.</p> <p>7 Q. Okay. Were they burning the files while</p> <p>8 you were out there?</p> <p>9 A. They was throwing them in a barrel. That's</p> <p>10 all I know. And they made the comment they</p> <p>11 was going to carry the rest of them what</p> <p>12 they couldn't get in the barrels to an old</p> <p>13 abandoned house that they was going to burn</p> <p>14 that night, and they was going to scatter</p> <p>15 them around on the floor.</p> <p>16 Q. You just saw them putting them in barrels?</p> <p>17 You didn't see them burn anything?</p> <p>18 A. I didn't see a fire.</p> <p>19 Q. Okay.</p> <p>20 A. And according to the fire personnel, they</p> <p>21 was just throwing them away.</p> <p>22 Q. Whose files did you get?</p> <p>23 A. Let's see. Peggy Hester's. Greg Ray's.</p> | <p>1 say anything to you about taking the files?</p> <p>2 A. No, sir.</p> <p>3 Q. But you did not find your own personal</p> <p>4 file?</p> <p>5 A. No, sir.</p> <p>6 Q. What did you do with the files that you dd</p> <p>7 take?</p> <p>8 A. Well, a couple of days later, I ran into</p> <p>9 Bryan Poe. He works for the City of</p> <p>10 Valley, the police department, and I give</p> <p>11 him his.</p> <p>12 And then about a week later -- Well, I</p> <p>13 called Ricky Price. He said that when he</p> <p>14 was in the area -- he was up toward</p> <p>15 Birmingham. But he said when he was in the</p> <p>16 area, he'd swing by and pick it up. He</p> <p>17 said he'd like to have his old file. I</p> <p>18 said all right.</p> <p>19 I tried to get ahold of Greg Ray. He's</p> <p>20 in -- was up toward Huntsville the last</p> <p>21 time I knew.</p> <p>22 Peggy Hester, she had got a divorce,</p> <p>23 moved to Florida and remarried, so I</p> |
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| <p>1 Bryan Poe's. Who else? Ricky Price's.</p> <p>2 Joel. I got Joel's.</p> <p>3 Q. Joel Holley?</p> <p>4 A. Yes, sir.</p> <p>5 I can't remember who all. I know</p> <p>6 those.</p> <p>7 Q. There were others, though, too?</p> <p>8 A. I think so, yes, sir.</p> <p>9 Q. What did you do -- Okay. So you talked to</p> <p>10 the fire personnel, and they said they were</p> <p>11 throwing them away or that they were going</p> <p>12 to put them in these barrels or take them</p> <p>13 to this house to have a burn?</p> <p>14 A. Uh-huh. (Positive response.)</p> <p>15 Q. You understood at least they were going to</p> <p>16 burn the ones they were taking out to the</p> <p>17 house?</p> <p>18 A. That's what they told me.</p> <p>19 Q. That's what they told you. Okay.</p> <p>20 A. Whether they did or not, I don't know.</p> <p>21 Q. That's just what you understood they said?</p> <p>22 A. Correct.</p> <p>23 Q. Okay. Did anybody with the fire department</p> | <p>1 couldn't find her.</p> <p>2 And Joel, it was October or November.</p> <p>3 Anyway, they was going through budgets, and</p> <p>4 I didn't see him. So I said, well, when I</p> <p>5 see him, I'll give him his old file.</p> <p>6 Well, after I give Bryan his, about a</p> <p>7 week or so later, Bryan calls me on the</p> <p>8 phone. And he says, they were supposed to</p> <p>9 have taken some stuff out of my file. I</p> <p>10 says, I don't know what you're talking</p> <p>11 about. Don't have a clue. I didn't open</p> <p>12 them up. I just saw the names on them.</p> <p>13 Q. You never looked through any of these</p> <p>14 files?</p> <p>15 A. No, I never did go through any of them.</p> <p>16 Q. Okay.</p> <p>17 A. And he was fussing about there was supposed</p> <p>18 to have been some stuff taken out and he</p> <p>19 was going to contact his attorney and</p> <p>20 nah-nah, nah-nah. And next thing you know,</p> <p>21 they're calling me and asking me about it.</p> <p>22 Q. During the time that you obtained -- other</p> <p>23 than talking to the firemen or the fire</p> |

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| <p>1 personnel about what they were doing and</p> <p>2 obtaining the file, you never talked with</p> <p>3 anybody else with the City about taking any</p> <p>4 of the files?</p> <p>5 A. Huh-uh. (Negative response.) They rode in</p> <p>6 my truck back and forth to work every day,</p> <p>7 but I didn't say anything to anybody.</p> <p>8 Q. And you didn't say anything to them about</p> <p>9 anybody -- about getting them originally?</p> <p>10 You didn't ask anybody if it was okay?</p> <p>11 A. There wasn't nobody out there but the</p> <p>12 firemen, and they said they was throwing</p> <p>13 them away, so ...</p> <p>14 Q. My question is, you didn't ask anybody if</p> <p>15 you could take them?</p> <p>16 A. No, I didn't go to city hall and ask</p> <p>17 anybody. I mean, the firemen were out</p> <p>18 there throwing them away.</p> <p>19 That's like when they torn down the old</p> <p>20 police department complex and all that, I</p> <p>21 got some brick from it. I mean, I didn't</p> <p>22 go and ask anybody. I got the brick, dated</p> <p>23 them, put them in my barn.</p> | <p>1 that one, too.</p> <p>2 And so he called you and said they were</p> <p>3 supposed to have taken stuff out of his</p> <p>4 file that was still in there or whatever?</p> <p>5 A. That's what he was telling me. I don't</p> <p>6 know.</p> <p>7 Q. So then the next thing you know, you're</p> <p>8 called in to where?</p> <p>9 A. Well, I wasn't called in.</p> <p>10 Q. Okay.</p> <p>11 A. I get a phone call at home that I'm being</p> <p>12 investigated for taking personnel files.</p> <p>13 Q. Who called you?</p> <p>14 A. Eddie Chandler.</p> <p>15 Q. And who is he?</p> <p>16 MR. INGRAM: Former councilman.</p> <p>17 A. Yeah, former councilman.</p> <p>18 MR. HARRIS: He's a local TV</p> <p>19 personality.</p> <p>20 Q. Is he the one that runs that -- the TV show</p> <p>21 that's always talking about everything</p> <p>22 going on around --</p> <p>23 A. (Witness nods head up and down.)</p> |
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| <p>1 Q. Okay.</p> <p>2 A. I mean, keepsakes.</p> <p>3 Q. Well, but you'd agree that brick is a</p> <p>4 little bit different than personnel files?</p> <p>5 A. Well, it's according to how the City</p> <p>6 would -- if they was throwing them away, I</p> <p>7 was getting them.</p> <p>8 Q. If it's got information in a file that you</p> <p>9 wouldn't have been privy to otherwise, then</p> <p>10 that's different than getting a piece of</p> <p>11 brick that --</p> <p>12 A. I don't know what was in them. I didn't</p> <p>13 open them up.</p> <p>14 Q. Okay. We'll just move on. So Bryan Poe</p> <p>15 called you, and he was ticked off?</p> <p>16 A. Yes, sir.</p> <p>17 Q. And you didn't know what he was talking</p> <p>18 about?</p> <p>19 A. I didn't have a clue.</p> <p>20 Q. And Mr. Poe had had litigation against the</p> <p>21 City years ago?</p> <p>22 A. Years ago, yes, sir.</p> <p>23 Q. I had the pleasure of being involved in</p> | <p>1 Q. I can't think of the name of it right now.</p> <p>2 A. Rumor Has It.</p> <p>3 Q. Rumor Has It. That's it.</p> <p>4 Mr. Chandler called you at home and</p> <p>5 told you what, now?</p> <p>6 A. I was being investigated for taking</p> <p>7 personnel files.</p> <p>8 Q. Did he tell you how he knew that?</p> <p>9 A. No, sir. He told me who was investigating</p> <p>10 it. Teddy Morris.</p> <p>11 Q. He told you that Teddy Morris was</p> <p>12 investigating it?</p> <p>13 A. Correct.</p> <p>14 Q. Anything else he told you?</p> <p>15 A. No, sir.</p> <p>16 Q. What's the next thing that you heard or --</p> <p>17 A. The next thing I done when I hung up the</p> <p>18 phone, I called Docimo -- Chief Docimo at</p> <p>19 home. It was on a Sunday afternoon.</p> <p>20 Q. And what occurred in that conversation?</p> <p>21 A. I asked him about it.</p> <p>22 Q. What did he say?</p> <p>23 A. He couldn't talk about it.</p> |

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| <p>1 gave? You're talking about the statement</p> <p>2 you gave to --</p> <p>3 A. I've got them at the house. I don't have</p> <p>4 them with me.</p> <p>5 Q. I'm not asking for it right now. But</p> <p>6 you've got a copy of the statement you gave</p> <p>7 to Teddy Morris?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Have you got any other notes that you've</p> <p>10 kept as to what happened and how it</p> <p>11 occurred and all that?</p> <p>12 A. Yes, sir.</p> <p>13 Q. If you can make those available to your</p> <p>14 lawyer so that we could get a copy of</p> <p>15 those, that would be great.</p> <p>16 A. (Witness nods head up and down.)</p> <p>17 Q. I know that you were -- that the hearings</p> <p>18 took place around the first part to the</p> <p>19 middle part of December of 2005.</p> <p>20 A. Yes, sir.</p> <p>21 Q. So I guess my question is, is when you came</p> <p>22 in to turn in the files, was it already</p> <p>23 December or was it November or --</p> | <p>1 officers -- Tracy Bandy and Tifton Dobbs --</p> <p>2 that the mayor wasn't going to help me</p> <p>3 because I didn't help him in the election.</p> <p>4 I didn't support him in the election.</p> <p>5 Q. Let's go back, though, to when you were</p> <p>6 talking to Joel Holley. Is there anything</p> <p>7 else that occurred in that meeting other</p> <p>8 than what you've told me about?</p> <p>9 A. Not that I remember.</p> <p>10 Q. You told me that at some point, you were</p> <p>11 put on administrative leave. When was that</p> <p>12 in relation to your meeting with</p> <p>13 Mr. Holley?</p> <p>14 A. Let's see. It was on a Monday. I'm not</p> <p>15 sure when my next scheduled workday was.</p> <p>16 We worked four on and four off. But when I</p> <p>17 come back in --</p> <p>18 It was November the 8th.</p> <p>19 Q. November the 8th?</p> <p>20 A. Yes, sir, that's what I was put on</p> <p>21 administrative leave.</p> <p>22 THE WITNESS: Have we got another</p> <p>23 copy of that?</p> |
| Page 30 | Page 32 |
| <p>1 A. I'm thinking it was the latter part of</p> <p>2 November.</p> <p>3 Q. That's what I figured.</p> <p>4 A. That's what I'm thinking. Because</p> <p>5 immediately, they put me on administrative</p> <p>6 leave.</p> <p>7 Q. Okay. Let's go back to you meeting Joel</p> <p>8 Holley at his office at city hall. You</p> <p>9 gave him the files, and then what happens?</p> <p>10 A. He said, you know this is City property? I</p> <p>11 said, they was throwing them away. He</p> <p>12 said, it's City property. I said, Joel,</p> <p>13 they was throwing them away. How many</p> <p>14 search warrants have I gotten from you over</p> <p>15 the years by going through a trash can and</p> <p>16 getting probable cause to get in a house?</p> <p>17 You've given me search warrants on that</p> <p>18 before.</p> <p>19 Q. Okay. And what else did --</p> <p>20 A. He said that the mayor and the council were</p> <p>21 upset about it.</p> <p>22 Q. Okay.</p> <p>23 A. And then later, I'm told by several</p> | <p>1 MR. HARRIS: He's got a copy of</p> <p>2 that.</p> <p>3 Q. When you were put on administrative leave,</p> <p>4 was that before or after you had given the</p> <p>5 files to Joel Holley, this letter?</p> <p>6 A. I had done give the files to Joel.</p> <p>7 Q. Okay. So it would have been -- so November</p> <p>8 8th would have been after you met with Joel</p> <p>9 Holley that Monday morning?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Okay. I just want to make sure. All</p> <p>12 right.</p> <p>13 After you talked with Joel Holley and</p> <p>14 then you were placed on administrative</p> <p>15 leave, did you -- well, between talking to</p> <p>16 Joel Holley and being placed on</p> <p>17 administrative leave, do you remember</p> <p>18 speaking to anyone else at the City about</p> <p>19 this situation?</p> <p>20 A. I think it was about a week later when</p> <p>21 Teddy called and wanted me to come in and</p> <p>22 give a statement.</p> <p>23 Q. Okay. And you went and did that?</p> |

Deposition of Wendell Dean Van Meter

December 8, 2006

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1 A. Yes, sir.
 2 Q. All right. What's the next thing that you
 3 did as far as --
 4 A. Waited on Docimo to call me in and tell me
 5 the outcome of the investigation.
 6 Q. Do you remember when that was?
 7 A. I'm not sure of the date.
 8 Q. Do you remember how long you were on
 9 administrative leave before that?
 10 A. About two weeks, about two or so weeks,
 11 something like that.
 12 Q. Tell me what happened in that meeting
 13 between you and Chief Docimo.
 14 A. He called me in and told me that his
 15 recommendation was termination and I could
 16 file an appeal to the city manager. I told
 17 him I wanted to go ahead and file the
 18 appeal. I shook his hand and walked out.
 19 Q. Okay. And so, then, you could appeal. And
 20 who did you appeal to first? The city
 21 manager?
 22 A. City manager, yes, sir.
 23 Q. And did you have -- Did you have a

1 had five working days to appeal, correct?
 2 A. Correct.
 3 Q. Prior to that hearing on December 7th, had
 4 you spoken with any city council member
 5 about this incident?
 6 A. I'm not sure if I had or not.
 7 Q. The only reason I asked is in this
 8 document, it says that you told them that
 9 you had spoken with Mike Yarbrough.
 10 A. I think I did mention it to him, and he --
 11 he wouldn't comment on it.
 12 Q. Okay. And you also stated that Lucille
 13 McCullars had called you after your
 14 December meeting and asked if you got fired
 15 at the meeting. That was something you
 16 said in the hearing.
 17 Is the December 2nd meeting the one you
 18 had with Chief Docimo?
 19 A. I'm not sure.
 20 MR. INGRAM: Randy, what document
 21 are you reading from?
 22 MR. LYONS: I am reading some
 23 notes from the City of Lanett

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1 hearing -- a meeting with Joel Holley or a
 2 hearing, or how did that occur?
 3 A. We had a hearing with Joel.
 4 Q. Okay. And who was present at that hearing?
 5 A. Both my attorneys and Joel and Jennie
 6 Gunnells.
 7 (Brief interruption.)
 8 Q. And what occurred in that hearing?
 9 A. Told the facts of what I've done told you.
 10 He said that he would make a decision -- he
 11 had, what? Three days to make it, but he
 12 said he'd have me an answer that day.
 13 Q. And according to the document I have, it
 14 shows that this meeting occurred -- or
 15 hearing occurred on Wednesday, December 7th
 16 of 2005. Does that sound about right to
 17 you?
 18 A. Sounds about right, yes, sir.
 19 Q. And Mr. Holley told you and your attorneys
 20 that he would try to give you a decision
 21 within a 24-hour period --
 22 A. Correct.
 23 Q. -- although he had three days, and then you

1 Dean Van Meter hearing,
 2 Wednesday, December 7, 2005.
 3 (Defendant's Exhibit 1 was marked
 4 for identification.)
 5 Q. Let me show you what we've marked as
 6 Defendant's Exhibit Number 1.
 7 MR. HARRIS: Okay. We've got
 8 that.
 9 Q. This is a document that's dated December
 10 the 7th and signed by you, correct?
 11 A. Correct.
 12 Q. And this is a notice of appeal, and it's
 13 addressed to Joel Holley, correct?
 14 A. Correct.
 15 Q. And is this a notice of appeal from his
 16 decision or --
 17 A. It's a notice of appeal from his decision,
 18 but I let him know so he could notify the
 19 mayor and council that I wished to appeal
 20 it to them.
 21 Q. All right.
 22 A. Which, I mean, his decision, he said I was
 23 terminated effective immediately.

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| <p>1 Q. Okay. And that's what I was about to ask</p> <p>2 you. There's another document ...</p> <p>3 (Defendant's Exhibit 2 was marked</p> <p>4 for identification.)</p> <p>5 Q. These documents have highlighting on them</p> <p>6 and some of them are underlined, but that</p> <p>7 doesn't have any significance to anything.</p> <p>8 I'll just show you Defendant's Exhibit</p> <p>9 Number 2. I'm sorry. I'll just show it to</p> <p>10 your lawyer.</p> <p>11 MR. HARRIS: I think that's what</p> <p>12 you're looking at in front of</p> <p>13 you, Dean.</p> <p>14 Q. It's the same thing. It's just showing</p> <p>15 Joel Holley's decision.</p> <p>16 A. Yes, sir.</p> <p>17 Q. And that was to uphold the chief's</p> <p>18 recommendation to terminate you effective</p> <p>19 immediately, correct, and that's dated</p> <p>20 December 7th of '05?</p> <p>21 A. Right.</p> <p>22 Q. As far as this notice, there's a</p> <p>23 certificate of service that you and your</p> | <p>1 council.</p> <p>2 Q. Well, what's the difference in him saying</p> <p>3 this is what it is or this is what my</p> <p>4 recommendation is? I mean, that's --</p> <p>5 A. Because that's not a recommendation. That</p> <p>6 says I was terminated, period.</p> <p>7 Q. Well, he as the city manager has said that</p> <p>8 you're terminated, correct?</p> <p>9 A. Yes, sir.</p> <p>10 Q. And you're saying that what he should have</p> <p>11 done is said my recommendation is that the</p> <p>12 chief's recommendation should be accepted</p> <p>13 by the council --</p> <p>14 A. Correct. Recommendation, not --</p> <p>15 Q. -- and that he recommends you to be</p> <p>16 terminated effective immediately?</p> <p>17 A. He didn't recommend.</p> <p>18 Q. No. I'm saying, that's what you're</p> <p>19 saying -- you're saying that's what he</p> <p>20 should have done?</p> <p>21 A. That's what they've always done in the</p> <p>22 past, made recommendations.</p> <p>23 Q. And that he should have made a</p> |
| Page 38 | Page 40 |
| <p>1 attorneys got that. You would admit you</p> <p>2 got this decision, correct?</p> <p>3 A. Correct. Don't agree with it, but I got</p> <p>4 it.</p> <p>5 Q. If you agree with it, we wouldn't be here,</p> <p>6 would we?</p> <p>7 A. Well, I mean, he terminated me without my</p> <p>8 due process with the mayor and council.</p> <p>9 Q. Well --</p> <p>10 A. Do you see what I'm saying?</p> <p>11 Q. I guess what you're saying -- and you</p> <p>12 correct me if I'm wrong. You're saying</p> <p>13 because he said you were terminated</p> <p>14 effective immediately, that that was a</p> <p>15 decision that, then, the mayor and council</p> <p>16 couldn't overturn?</p> <p>17 A. They could overturn it, but he's supposed</p> <p>18 to make recommendations. And then I've got</p> <p>19 an appeal process that -- and if I don't</p> <p>20 use my appeals, then that would come into</p> <p>21 effect. But until I use -- when I use my</p> <p>22 appeal process, then he's done made the</p> <p>23 decision and influenced the mayor and</p> | <p>1 recommendation --</p> <p>2 A. And then if the individual doesn't file an</p> <p>3 appeal to the mayor and council, then the</p> <p>4 city manager's recommendation would go into</p> <p>5 effect as termination.</p> <p>6 Q. Okay. And so --</p> <p>7 A. I was denied due process right there.</p> <p>8 Q. Well, you had a hearing with the mayor --</p> <p>9 A. I was already terminated.</p> <p>10 Q. Well, you agreed -- I mean, you agreed with</p> <p>11 me a moment ago, though, that the mayor and</p> <p>12 council could have overturned the city</p> <p>13 manager's decision, correct?</p> <p>14 A. But I was already terminated.</p> <p>15 Q. Well, if it's an appeal, then that means</p> <p>16 that you can appeal that decision, correct?</p> <p>17 A. But it should have been a recommendation,</p> <p>18 not terminated effective immediately.</p> <p>19 Q. I understand what you're saying.</p> <p>20 A. I mean, I'm told I'm terminated. Now,</p> <p>21 you've got five days --</p> <p>22 Q. To appeal.</p> <p>23 A. -- to appeal.</p> |

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|---|--|
| <p>1 A. Correct.</p> <p>2 Q. Okay. And then you had a hearing then</p> <p>3 after December 7th, it appears, on December</p> <p>4 the 14th with the city council -- a</p> <p>5 special-called city council meeting; is</p> <p>6 that correct?</p> <p>7 A. Correct.</p> <p>8 Q. And prior to December 14th and after</p> <p>9 December 7th, did you have any other</p> <p>10 meetings, contact or any involvement with</p> <p>11 the City of Lanett or anybody with the City</p> <p>12 of Lanett regarding this incident?</p> <p>13 A. No, sir.</p> <p>14 Q. Tell me what occurred in the city council</p> <p>15 meeting for December the 14th of 2005.</p> <p>16 A. I think it was six o'clock in the evening</p> <p>17 when we met.</p> <p>18 Q. 5:30. Okay. Whatever.</p> <p>19 A. 5:30?</p> <p>20 Q. Yes, sir.</p> <p>21 A. I'm sorry.</p> <p>22 Q. That's okay.</p> <p>23 A. Met in the council chamber. I think Judge</p> | <p>1 seen the State regulations on destroying</p> <p>2 personnel files. She said she hadn't.</p> <p>3 Q. Okay.</p> <p>4 A. Joel at one point made a comment to the</p> <p>5 mayor and council to either back him and</p> <p>6 the department head or they didn't need</p> <p>7 them.</p> <p>8 Without looking over it, I --</p> <p>9 THE WITNESS: We haven't got ours</p> <p>10 typed up yet, have we?</p> <p>11 MR. INGRAM: Randy, I've got a</p> <p>12 transcript of that.</p> <p>13 MR. LYONS: Do you?</p> <p>14 MR. INGRAM: I'll make it</p> <p>15 available to you.</p> <p>16 Q. I don't have one either. That's why I'm</p> <p>17 asking what you remember.</p> <p>18 A. Well, I'm trying to remember everything.</p> <p>19 MR. INGRAM: We had a court</p> <p>20 reporter present.</p> <p>21 Q. Okay. How long did that hearing last?</p> <p>22 A. About two hours, an hour or two.</p> <p>23 Q. One to two hours?</p> |
| Page 46 | Page 48 |
| <p>1 Calvin Milford was the mediator.</p> <p>2 Q. Okay.</p> <p>3 A. Just told them what happened, what I've</p> <p>4 told you.</p> <p>5 Q. Didn't tell any different than what you've</p> <p>6 told me today?</p> <p>7 A. No, sir.</p> <p>8 Q. And the whole council was present?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Did they take a vote with you present?</p> <p>11 A. Not at that time, no, sir.</p> <p>12 Q. What else occurred other than you telling</p> <p>13 your story as far as what happened? Did</p> <p>14 the City put on any testimony?</p> <p>15 A. My attorneys called Jennie Gunnells.</p> <p>16 Q. Okay. Jennie Gunnells was called.</p> <p>17 A. Personnel.</p> <p>18 Q. Okay. What was she asked to talk about?</p> <p>19 A. What policy the City had on destroying</p> <p>20 personnel files.</p> <p>21 Q. Okay.</p> <p>22 A. She said they didn't have one. William</p> <p>23 Harris asked Ms. Gunnells if she had ever</p> | <p>1 A. Yes, sir.</p> <p>2 Q. And what was -- When you left that hearing</p> <p>3 at 6:30, 7:30, whatever time it was, what</p> <p>4 was -- did you have an outcome at that</p> <p>5 point?</p> <p>6 A. No, sir.</p> <p>7 Q. Okay.</p> <p>8 THE WITNESS: Did we?</p> <p>9 MR. INGRAM: You had the vote.</p> <p>10 THE WITNESS: Well, I thought they</p> <p>11 come back later --</p> <p>12 MR. HARRIS: I thought everybody</p> <p>13 came back.</p> <p>14 MR. INGRAM: That's right. A day</p> <p>15 later.</p> <p>16 MR. HARRIS: They announced it, I</p> <p>17 think, at the next regularly-</p> <p>18 scheduled council meeting.</p> <p>19 MR. LYONS: Because of the</p> <p>20 sunshine law?</p> <p>21 MR. HARRIS: Right.</p> <p>22 Q. And the next council meeting was, what?</p> <p>23 The next day?</p> |

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| <p>1 A. I'm not sure. Somewhere along in there, 2 yes, sir. It couldn't have been the next 3 day because it was on Monday. Normal 4 council meeting is on Mondays. It was 5 close to a week. 6 MR. INGRAM: Yeah, close to a 7 week. 8 Q. Were you present at the regularly-scheduled 9 council meeting? 10 A. Yes, sir. 11 Q. What occurred at that meeting? 12 A. They voted. 13 Q. Anything else other than a vote occur? 14 A. I don't know. I got up and left. 15 Q. No. I mean, prior to your vote -- prior to 16 the vote, did anything else occur about the 17 incident with you? 18 A. Not that I know of. 19 MR. HARRIS: (Shakes head from 20 side to side.) 21 Q. It appears that that was a council 22 meeting ... 23 MR. LYONS: Let's mark this as</p> | <p>1 A. Yes, sir. 2 Q. Have you had any other contact with anyone 3 with the City of Lanett regarding this 4 matter? 5 A. No, sir. 6 Q. You mentioned earlier that two police 7 officers told you that the mayor said he 8 wasn't going to help you because you didn't 9 help him in the election. 10 A. Correct. 11 Q. And that was Tracy Bandy and who? 12 A. Tifton Dobbs. 13 Q. Has the mayor ever said anything to you 14 about -- 15 A. Directly? 16 Q. Yeah. Has he ever said anything to you 17 directly? 18 A. No, sir. 19 Q. Has he ever done anything -- Has he ever 20 inferred anything to you that would make 21 you think that he was trying to get you for 22 some political activity you took? 23 A. No, sir, I don't ...</p> |
| Page 50 | Page 52 |
| <p>1 Defendant's 4. 2 (Defendant's Exhibit 4 was marked 3 for identification.) 4 Q. The council meeting was December the 19th. 5 Have you seen these minutes? And it's 6 about -- The part about you is down here. 7 A. No, sir, I haven't seen this. 8 Q. It just says something to the -- that they 9 brought up the matter of what was discussed 10 at the December 14th special session that 11 was taken under advisement and that they -- 12 about Lt. Dean Van Meter, that they were 13 going to take a vote. And it appears that 14 the vote was -- there were two nays and the 15 rest yeas. 16 A. Yeah, four to two. 17 Q. Now that you've reviewed Defendant's 18 Exhibit Number 4 as far as -- 19 MR. LYONS: Have y'all seen it? 20 MR. HARRIS: No. 21 Q. -- about what occurred at the city council 22 meeting, is that what you remember 23 occurring?</p> | <p>1 Q. He hasn't said anything -- 2 A. He hasn't said anything to me directly, no, 3 sir. 4 Q. Have you overheard him say anything to 5 anyone else? 6 A. No, sir. 7 Q. Has any member of the city council told you 8 that the mayor was after you because you 9 didn't support him? 10 A. No, sir. 11 Q. How did the two officers that told you 12 that, where did they learn this 13 information, if you know? 14 A. They go by his house, the mayor's house. 15 Q. Just -- 16 A. They're friends with the mayor. 17 Q. Just because they're friends with the 18 mayor? 19 A. Yes, sir. 20 Q. Correct me if I'm wrong, but from what I 21 understand you were telling me earlier. 22 your main complaint regarding your due 23 process --</p> |

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| 1 A. I'm terminated. That's my main complaint. | 1 towards me according to the officers. |
| 2 Q. Okay. I understand your main complaint is | 2 Q. All right. The vote that was taken |
| 3 that you're terminated. | 3 regarding your termination, did Mayor |
| 4 A. Sir, I've lost a 27-year career, and I'm | 4 Crawley vote in that? |
| 5 accused of being a thief. And getting | 5 A. Yes, sir. I mean, it's in this right here, |
| 6 another job is impossible at 50 years old. | 6 yes, sir. |
| 7 Q. Let me ask you one question about this and | 7 Q. It says there was a roll call vote. |
| 8 then I'm going to go through your complaint | 8 Councilman Malone -- Tony Malone said nay. |
| 9 with you. | 9 Councilmember Duskin, yea. Councilmember |
| 10 A. Okay. | 10 Heard, nay. Councilmember Yarbrough, yea. |
| 11 Q. You've made a due process claim. You're | 11 Councilmember McCoy, yea. And Mayor |
| 12 saying that you were denied due process, | 12 Crawley, yea. |
| 13 correct? | 13 A. Correct. |
| 14 A. Uh-huh. (Positive response.) | 14 Q. Well, it would have still been three to two |
| 15 Q. Yes? | 15 even if the mayor had withheld his vote, |
| 16 A. Yes, sir. | 16 correct? |
| 17 Q. Is the basis of the denial of your due | 17 A. Possibly. |
| 18 process what you've told me about | 18 Q. Well, he was the last one -- |
| 19 Defendant's Exhibit Number 2, that -- | 19 A. Unless somebody else changed their vote |
| 20 Mr. Holley putting in there that you were | 20 because of him. |
| 21 terminated effective immediately, is that | 21 Q. Well, he was the last one called according |
| 22 what you're saying was the denial of your | 22 to the records. |
| 23 due process? | 23 A. But if he had recused himself, then |
| Page 54 | Page 56 |
| 1 A. Yes, sir. | 1 somebody else might have voted different, |
| 2 Q. Was there anything else that you're relying | 2 correct? |
| 3 on for your denial of due process? And | 3 Q. I don't have any idea. |
| 4 you're looking at your lawyers, but -- | 4 A. I don't either. We'll never know because |
| 5 A. Well, that's what I hired them for. | 5 he wouldn't accuse himself. |
| 6 Q. But if you know of anything else, this is | 6 MR. HARRIS: Recuse. |
| 7 my only time to -- | 7 Q. Recuse himself. |
| 8 A. Well, I'm trying to think exactly ... | 8 A. I'm sorry. |
| 9 Q. I mean, that's one of your claims, and | 9 Q. Well, but as it stands, Mayor Crawley |
| 10 this is my only time to get to ask you. | 10 appears to be the last one that voted, and |
| 11 (Attorney-client discussion.) | 11 he was a yea vote, but it would have still |
| 12 THE WITNESS: Yeah, I forgot about | 12 been a three to two vote if you would have |
| 13 that. | 13 just removed him from the situation? |
| 14 A. Oscar -- We asked Oscar Crawley to recuse | 14 A. If you removed him from that right there, |
| 15 himself in the hearing, and he wouldn't do | 15 yes, sir. But in reality, I don't know. |
| 16 it. | 16 Q. Well, we can speculate as to what could |
| 17 Q. Okay. And is that a part of what you're | 17 have occurred all day long. |
| 18 claiming is a denial of your due process? | 18 Anything else you base your claim of |
| 19 A. Yes, sir. | 19 violation of due process other than this |
| 20 Q. Why did you ask Mayor Crawley to recuse | 20 statement in Defendant's Exhibit Number 2 |
| 21 himself? | 21 and that Mayor Crawley wouldn't recuse |
| 22 A. Because of me being for another candidate | 22 himself? |
| 23 for mayor and him having ill feelings | 23 A. No, sir. |

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1 Q. And other than you were of the opinion that
 2 Mayor Crawley had ill feelings towards you
 3 because you supported his opposition, was
 4 there any other reason that you felt that
 5 he should recuse himself?
 6 A. Years ago, I done an investigation, and he
 7 was sitting on the board of the housing
 8 authority, yes, sir.
 9 Q. Investigated the housing board, the housing
 10 authority board?
 11 A. Members, and he was a member.
 12 Q. And he was investigated himself?
 13 A. Yes, sir.
 14 Q. Anything come of that?
 15 A. I was pulled out of the investigation.
 16 Q. You were pulled out?
 17 A. Yes, sir, put on patrol. That's when Gene
 18 Jones was chief.
 19 Q. As far as anything with Mayor Crawley at
 20 that time, was he -- did any investigation
 21 find anything against him?
 22 A. There was one individual that went to
 23 prison.

1 Q. I understand. Let me ask you this, then.
 2 Other than what Officer Bandy and the other
 3 officer told you, have you any other
 4 evidence that Mayor Crawley has any ill
 5 will or --
 6 A. No, sir.
 7 Q. -- feelings towards you?
 8 A. No, sir.
 9 Q. And you mentioned something, and I meant to
 10 ask you earlier, but -- are you employed
 11 anywhere at the present time?
 12 A. Marvin's.
 13 Q. Marvin's?
 14 A. Yes, sir.
 15 Q. And what do you do there?
 16 A. I work on the lumberyard
 17 Q. And how long have you worked there?
 18 A. About four months, five months.
 19 Q. Have you worked anywhere else other than
 20 Marvin's since the City of Lanett?
 21 A. Locksmithing.
 22 Q. Just working on your own?
 23 A. No, sir. Roquemore's Key & Safe.

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1 Q. But it wasn't him?
 2 A. No, it wasn't him.
 3 Q. Okay. But other than what these officers
 4 have told you, you have no other evidence
 5 that Mayor Crawley has any ill feelings
 6 towards you, do you?
 7 A. Like I said, I done an investigation. And
 8 before it was complete -- completed, he
 9 had -- using maintenance personnel at his
 10 residence from the housing authority.
 11 Q. We're talking about two different things.
 12 A. I know it. You're talking about --
 13 Q. How long ago was this investigation?
 14 A. That's when Gene Jones was chief.
 15 Q. So it's been quite some time?
 16 A. Correct. And I don't know if he had any
 17 animosity toward me from that or not. I
 18 don't know.
 19 Q. That would have been probably the early
 20 nineties?
 21 A. Correct.
 22 Q. Well, I mean, as far as --
 23 A. I mean, I don't know.

1 Q. And why did you leave Roquemore's to go to
 2 Marvin's?
 3 A. Steadier.
 4 Q. What's your pay at Marvin's?
 5 A. 8.50 an hour.
 6 Q. And how many hours a week?
 7 A. No more than 40.
 8 Q. And when you left the City, what was your
 9 rate of pay at that time?
 10 A. 17 something. 16, \$17 an hour.
 11 Q. Were you on salary or were you still
 12 hourly?
 13 A. Hourly.
 14 Q. How many hours did you normally work a
 15 whole week?
 16 A. We work 36 hours one week, 48 the next
 17 week. Four on, four off.
 18 Q. Do you remember where you were as far as
 19 the step for lieutenant?
 20 A. I'd topped out. I'd been topped out
 21 about -- since Terrell Whaley was mayor. I
 22 can remember the mayors, but as far as the
 23 years ...

PART III: EMPLOYER CERTIFICATION

If this is a state agency reporting unit, do not submit this form to the Retirement Systems until all warrant cancellations for this individual have been processed by the state comptroller.

Name of Employing Agency: City of Lanett

Last retirement contribution was included in the December 2005 report.
(Month or if state employee last payroll check issue date)

Last day for which employee is paid: 12 19 05
Month Day Year

I hereby certify the final salary payment has been made to the above named member and that this person has no further contract, written or oral, to return to employment at said agency.

Signature of Payroll Official: Gene Lee

Date: 12/21/05

Note: Send this form with the payroll report which includes the member's final deposit.

INSTRUCTIONS FOR REFUND REQUEST

- Type or print in black ink.
- Complete Part I and Part II and have your signature notarized.
- Part III should be completed by the employing agency. The refund will not be mailed until the Retirement Systems of Alabama (RSA) receives the member's final deposit and this form.
- Any person who makes a false statement or falsifies a record in an attempt to defraud the RSA shall be guilty of a misdemeanor, and upon conviction, be punished by a fine up to \$500.00 and/or imprisonment not to exceed one year.
- After this form has been completed, any address change must be submitted to RSA in writing and be signed by the applicant. Include your Social Security number on any correspondence.

Employment Termination Statement

I hereby certify that I have permanently terminated my employment in any agency covered by the Retirement Systems indicated and request that the contributions and applicable interest be distributed as shown. I further certify I do not have a contract nor am I negotiating for employment with any agency covered by the System indicated. I understand that I am *not entitled to the total interest* credited to my account, but a proportion of the total interest determined by the number of years I have contributed. The refundable funds in my account are due to me and unpaid, and I understand that payment in accordance with this form will release the RSA from any claim for other benefits.

No portion of the refund is subject to state of Alabama income tax.

If you have any questions regarding the taxability of your refund, contact the IRS or a tax advisor.

